



THE YITZHAK LAW GROUP

ERICA T. YITZHAK

ATTORNEYS AT LAW

MICHELE M. BOWMAN*

SARADJA PAUL

*ALSO ADMITTED IN TEXAS

February 16, 2021

VIA ECF

Hon. Gregory H. Woods
United States District Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl St.
New York, NY 10007-1312

**Re: Clarification of the Court's Order at Docket #26 regarding Defendants'
Affidavits**

Martinez and Perez v. A Spice Route et al., Case #20-cv-09571-ghw

Dear Judge Woods:

Our firm represents the Defendants in the above-captioned matter before you. We respectfully write to you to clarify the Court's Order (Dkt. #26) regarding Plaintiffs' Motion to Strike (Dkt. #23) and Defendants' Additional Affidavit (Dkt. #24).

The Court's Order indicates the Court will consider Defendants' Additional Affidavit and exhibits filed at Docket #24 as "the operative documents for purposes of Defendants' motion for summary judgment."

We understand that the verification and authentication of the exhibits found in the Additional Affidavit filed at Docket #24 will be considered and are appreciative of the Court's ruling. However, we wanted to clarify that the Court will still consider the

Affidavit of Defendant Manveen Singh that was attached to Defendants' Motion for Summary Judgment (Dkt. #22, attachment #3) for information beyond any identification of exhibits that the Additional Affidavit sought to supplant. Defendants did not intend for the Additional Affidavit to entirely replace the original Affidavit submitted with the Motion for Summary Judgment – it was only intended to authenticate the exhibits. We cannot find any rule that would require any additional affidavit submitted to authenticate documents be considered as a replacement for an affidavit that contains information beyond references to those documents. We apologize for any confusion created by only responding to the issue of identification of exhibit by letter in the Additional Affidavit, and we regret the Court's time was taken by these unnecessary letter submissions.

We hope that the Court will simply consider said original Affidavit for its value other than authenticating exhibits. It contains important information referred to in the Motion for Summary Judgment outside of the exhibits.

Thank you for your consideration of this matter.

Respectfully yours,



Michele M. Bowman